

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE LIBRARY
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

June 20, 2017

Present:Chair	Noel Griffin
Members	Ted Kopczynski, Tim O'Donnell, Jason Wolner and Nick Pinto
Village Attorney	Brian S. Stolar, Esq.

The meeting was called to order at 7:30 pm.

The Board advised that it received a request from Frank Scavone to adjourn the hearing on the application for variances in relation to 78 Fairview Place. The Board adjourned the hearing to July 18, 2017 at 7:30pm.

The Board opened the public hearing on the application of Robert and Margaret Himes, 18 20th Avenue, Sea Cliff to construct first story and second story additions, which requires variances as follows: (a) Village Code §138-406 to maintain a front property line of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (b) Village Code §138-407 to maintain a lot width of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (c) Village Code §138-409 to maintain a lot width at the setback line of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (d) Village Code §138-410 to maintain a front property line on a corner lot of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (e) Village Code §138-411 to (i) maintain a deck with a side yard setback of 5.2 feet and (ii) construct an addition

with a side yard setback of 4.8 feet, where a minimum of 10 feet is required; (f) Village Code §138-416 to maintain an accessory structure in a front yard, where no such accessory structure is permitted; (g) Village Code §138-413.1 in that there is an encroachment into the height setback ratio, where no such encroachment is permitted; and (h) Village Code §138-1102 in that the proposed construction increases an existing non-conformity where no such increase is permitted.

Dan Deegan, Esq. and Maximo Buschfrers, architect, presented the application. Neighbors provided testimony concerning the application. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Brooks Leigh, 336 Franklin Avenue, Sea Cliff, New York for a variance of Village Code §138-516(B) to install an air conditioner condenser unit 6.6 feet from a side property line, where a minimum of 15 feet is required. Premises are designated as Section 21, Block 170, Lot 450 on the Nassau County Land and Tax Map.

The applicant presented the application. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Laura and Brian Ryniker, 156 Dubois Avenue, Sea Cliff, New York for variances of Village Code §138-516 to install a shed 3 feet from a rear property line and 5 feet from a side property line, where the minimum required setbacks are 5 feet and 10 feet, respectively. Premises are designated as Section 21, Block 49, Lot 9 on the Nassau County Land and Tax Map.

The application was presented by the applicant. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Stephen Feiner and Carol Kle, 21 Maple Avenue, Sea Cliff, New York for variances of the following sections of the Village Code: (a) 115-12 in that the pool is proposed to be located (i) in a front yard, where no such pool may be located, and (ii) 5 feet from a side property line, where a minimum of 10 feet is required; and (b) 138-416 in that the pool mechanical equipment is proposed to be located (i) in a front yard, where no such equipment may be located, and (ii) 5 feet from a side property line, where a minimum of 10 feet is required. Premises are designated as Section 21, Block 143, Lot 1798 on the Nassau County Land and Tax Map.

The application was presented by Mr. Feiner. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Frank Caruso, as owner, and Dario Gaite, as member of La Spezia Ristorante LLC, as applicant, 400 Glen Cove Avenue, Sea Cliff, New York to amend terms and conditions of a special permit to operate a restaurant at the premises, to permit outdoor seating in place of indoor seating. Premises are designated as Section 21, Block 68, Lot 32 on the Nassau County Land and Tax Map.

The application was presented by Dario Gaite. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Joseph and Christine Hughes, 120 Sea Cliff Avenue, Sea Cliff, to construct second story and

first story additions and a front porch, which construction requires variances of: (a) Village Code §138-511 in that each of the proposed additions will be located 10 feet from the westerly side property line, where a minimum of 15 feet is required; and (b) Village Code §138-513.1 in that the second story addition encroaches into the westerly and easterly side yard height-ratio planes. Premises are designated as Section 21, Block 114, Lot 212 on the Nassau County Land and Tax Map.

The application was presented by Maximo Buschfrers, architect. The Board closed the public hearing, and reserved decision.

The Board discussed the Hughes application. On motion made by Mr. O'Donnell, seconded by Mr. Pinto, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Caruso application. On motion made by Mr. Kopczynski, seconded by Mr. Wolner, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Feiner/Kle application. On motion made by Mr. O'Donnell, seconded by Mr. Wolner, and adopted unanimously, the Board

determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Ryniker application. On motion made by Mr. Wolner, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Leigh application. On motion made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Himes application. On motion made by the Chair, seconded by Mr. Wolner, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

NOEL GRIFFIN, CHAIR

HUGHES SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by Mr. O'Donnell, seconded by Mr. Pinto, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Joseph and Christine Hughes, 120 Sea Cliff Avenue, Sea Cliff, applied to construct second story and first story additions and a front porch, which construction requires variances of: (a) Village Code §138-511 in that each of the proposed additions will be located 10 feet from the westerly side property line, where a minimum of 15 feet is required; and (b) Village Code §138-513.1 in that the second story addition encroaches into the westerly and easterly side yard height-ratio planes. Premises are designated as Section 21, Block 114, Lot 212 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction complies with the plans submitted with the application, (b) applicants shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

CARUSO SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by Mr. Kopczynski, seconded by Mr. Wolner, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Frank Caruso, as owner, and Dario Gaite, as member of La Spezia Ristorante LLC, as applicant, 400 Glen Cove Avenue, Sea Cliff, New York applied to amend terms and conditions of a special permit to operate a restaurant at the premises, to permit outdoor seating in place of indoor seating. Premises are designated as Section 21, Block 68, Lot 32 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises, and La Spezia is a tenant.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the terms and conditions of the special permit approval previously granted by the Board, and currently existing, remain in place and apply to this approval; (b) the seating shall be in the locations depicted in the plans submitted with this application; (c) applicant shall install bollard or poles, and planters, as depicted in the plans; and (d) the proposed outdoor seating may be provided by the applicant from May 1 through October 31, and shall only be provided when such seating replaces indoor seating.

FEINER/KLE SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by Mr. O'Donnell, seconded by Mr. Wolner, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Stephen Feiner and Carol Kle, 21 Maple Avenue, Sea Cliff, New York applied for variances of the following sections of the Village Code: (a) 115-12 in that the pool is proposed to be located (i) in a front yard, where no such pool may be located, and (ii) 5 feet from a side property line, where a minimum of 10 feet is required; and (b) 138-416 in that the pool mechanical equipment is proposed to be located (i) in a front yard, where no such equipment may be located, and (ii) 5 feet from a side property line, where a minimum of 10 feet is required. Premises are designated as Section 21, Block 143, Lot 1798 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction complies with the plans submitted with the application, (b) applicants shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

RYNIKER SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by Mr. Wolner, seconded by Mr. Kopczynski, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Laura and Brian Ryniker, 156 Dubois Avenue, Sea Cliff, New York applied for variances of Village Code §138-516 to install a shed 3 feet from a rear property line and 5 feet from a side property line, where the minimum required setbacks are 5 feet and 10 feet, respectively. Premises are designated as Section 21, Block 49, Lot 9 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction complies with the plans submitted with the application, (b) applicants shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

LEIGH SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Brooks Leigh, 336 Franklin Avenue, Sea Cliff, New York for a variance of Village Code §138-516(B) applied to install an air conditioner condenser unit 6.6 feet from a side property line, where a minimum of 15 feet is required. Premises are designated as Section 21, Block 170, Lot 450 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction complies with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

HIMES SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 20, 2017, on motion duly made by the Chair, seconded by Mr. Wolner, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. of Robert and Margaret Himes, 18 20th Avenue, Sea Cliff applied to construct first story and second story additions, which requires variances as follows: (a) Village Code §138-406 to maintain a front property line of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (b) Village Code §138-407 to maintain a lot width of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (c) Village Code §138-409 to maintain a lot width at the setback line of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (d) Village Code §138-410 to maintain a front property line on a corner lot of 60 feet on Park Place and 40 feet on 19th Avenue, where a minimum of 75 feet is required; (e) Village Code §138-411 to (i) maintain a deck with a side yard setback of 5.2 feet and (ii) construct an addition with a side yard setback of 4.8 feet, where a minimum of 10 feet is required; (f) Village Code §138-416 to maintain an accessory structure in a front yard, where no such accessory structure is permitted; (g) Village Code §138-413.1 in that there is an encroachment into the height setback ratio, where no such encroachment is permitted; and (h) Village Code §138-1102 in that the proposed construction increases an existing non-conformity where no such increase is permitted.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The Board approved variances previously for the proposed construction, but determined to reopen the hearing based on apparent inaccuracies in the denial letter and legal notice, relating primarily to the frontage on 19th Avenue and the width of the premises on the 19th Avenue portion. The Building Department subsequently issued an amended denial letter addressing the apparent deficiencies and including the dimension of the frontage and width on 19th Avenue. This determination is based on the revised denial letter. The relief requested in this application is granted provided that (a) the construction complies with the plans submitted with this application, (b) prior to the

issuance of a certificate of occupancy for the proposed construction, and in consideration of the applicants proposing the dwelling additions so as not to enlarge the dwelling in a direction west of tax lot 888, applicants shall file with the Nassau County Clerk's office a Declaration of Covenants and Restrictions prohibiting the subdivision of any lot created by the subdivision that does not comply with the Village Code minimum required lot area and lot configurations, in a form approved by the Village Attorney, with proof of such filing provided to the Village Clerk, (c) applicants shall applicants shall comply with all requirements of the Village Code and the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

